

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

**LEROY BOCHLER**

4937 Black Oak Drive  
Madison, Wisconsin

Plaintiff,

Case No. \_\_\_\_\_

vs.

**SYSCO BARABOO, LLC**

Registered Agent for Service  
Capitol Corporate Services, Inc.  
901 S. Whitney Way  
Madison, Wisconsin 53913

Defendant.

---

**COMPLAINT**

---

The Plaintiff, Leroy Bochler, by his attorneys, Hawks Quindel, S.C., and Nicholas E. Fairweather and David C. Zoeller, for his Complaint against the Defendant, Sysco Baraboo, LLC, states as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, in that Plaintiff's claim arises under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. ("FLSA").
2. Venue is proper in the Western District of Wisconsin under 28 U.S.C. § 1391 because Defendant operates a facility in this district and because a

substantial part of the events or omissions giving rise to the claim occurred in this district.

### **PARTIES**

3. Plaintiff Leroy Bochler (“Bochler”) is an adult resident of the state of Wisconsin, residing at 4937 Black Oak Drive, Madison, Wisconsin 53711. Bochler was an employee of Defendant as defined by 29 U.S.C. § 203(e). Bochler’s signed consent form is attached to his complaint as Exhibit A.

4. Defendant, Sysco Baraboo, LLC (“Sysco”), is a Delaware limited liability corporation with its principal office at 910 South DuPont Highway, Baraboo, Wisconsin 53913. Sysco’s registered agent for service is Capitol Corporate Services, Inc., 901 S. Whitney Way, Madison, Wisconsin 53711.

5. Sysco is an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

6. Sysco is an enterprise engaged in commerce within the meaning of 29 U.S.C. § 203(s)(1).

### **ALLEGATIONS**

7. Bochler was employed by Sysco as an Executive Chef, between September 1986 and January 2010.

8. During Bochler’s employment as an Executive Chef with Sysco, he was suffered and permitted to work more than forty (40) hours per week.

9. Bochler was paid a salary during his employment with Sysco, and was not paid overtime compensation for the hours he worked over forty (40) in a week.

**FIRST CAUSE OF ACTION**  
**FAILURE TO PAY OVERTIME WAGES IN VIOLATION OF THE FLSA**

10. Paragraphs 1-9 of this Complaint are re-alleged as though set forth here in full.

11. The FLSA, 29 U.S.C. § 207, requires each covered employer to compensate all non-exempt employees at a rate of one and one-half times the regular rate of pay for work performed in excess of forty (40) hours per workweek.

12. During his employment with Sysco, and within the applicable statute of limitations, Bochler regularly worked in excess of forty (40) hours per week without overtime compensation.

13. At no time during his employment with Sysco and within the applicable statutory period was Bochler exempt from overtime pay under any of the FLSA exemptions.

14. These practices violate the provisions of the FLSA, 29 U.S.C. § 201, et seq., including, but not limited to, 29 U.S.C. § 207. As a result of these unlawful practices, Bochler has suffered a wage loss.

15. Sysco knew or showed reckless disregard for the fact that they failed to pay Bochler overtime compensation in violation of the FLSA.

WHEREFORE, Plaintiff Leroy Bochler demands judgment against Defendant Sysco Baraboo, LLC awarding him:

A. The overtime wage compensation owed under 29 U.S.C. §§ 206 and 207 for the 3-year time period prior to the commencement of this action;

B. Liquidated damages in an amount equal to the amount awarded to him as overtime wage compensation, as provided in 29 U.S.C. § 216(b);

C. All attorney's fees incurred by Plaintiff in prosecuting this action, and the costs of this action, as provided in 29 U.S.C. § 216(b); and

D. Such other legal or equitable relief as this Court deems just and necessary to vindicate Plaintiff's rights under the Fair Labor Standards Act.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury.

Dated: March 25, 2010.

**HAWKS QUINDEL, S.C.**

By: /s/ David C. Zoeller

Nicholas E. Fairweather, State Bar No. 1036681

Email: [nfairweather@hq-law.com](mailto:nfairweather@hq-law.com)

David C. Zoeller, State Bar No. 1052017

Email: [dzoeller@hq-law.com](mailto:dzoeller@hq-law.com)

222 West Washington Avenue, Suite 450

Post Office Box 2155

Madison, Wisconsin 53701-2155

Telephone: 608 257-0040

Facsimile: 608 256-0236

Attorneys for Plaintiff Leroy Bochler